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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	2:17-mj-710-GWF
)	
Plaintiff,)	
)	
vs.)	
)	
NICOLE ELIZABETH NOWAK,)	
)	
Defendant.)	
_____)	

STIPULATION TO CONTINUE PRELIMINARY HEARING

IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre, Acting United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America, and Telia U. Williams, Esq. counsel for Defendant NICOLE ELIZABETH NOWAK, that the preliminary hearing for the above-captioned matter, currently scheduled for August 9, 2017, at the hour of 4:00 p.m., be vacated and continued to a date and time convenient for this Court, but in no event earlier than thirty (30) days.

This stipulation is entered for the following reasons:

1. The Government has made an early production of discovery to the Defendant in an effort to reach a pre-indictment plea agreement, and counsel for the Defendant needs an opportunity to review the discovery and discuss it with the Defendant.

1 2. The Government intends on tendering a proposed plea agreement to the
2 Defendant. Said plea agreement will obviate the need for either a preliminary hearing in this
3 matter or for the Government to present this matter to a federal grand jury. Counsel for the
4 Defendant will need additional time to discuss the proposed plea agreement with the Defendant.

5 3. The Defendant is in custody, but she does not object to the continuance.

6 4. Denial of this request for continuance of the preliminary hearing would
7 potentially prejudice both the Defendant and the Government and unnecessarily consume this
8 Court's valuable resources, taking into account the exercise of due diligence.

9 5. Additionally, denial of this request for continuance could result in a miscarriage
10 of justice.

11 6. The additional time requested by this stipulation is excludable in computing the
12 time within which the defendant must be indicted and the trial herein must commence pursuant
13 to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(8)(A), considering the factors under
14 18 U.S.C. § 3161(h)(8)(B)(i) and (iv).

15 7. This is the first request for a continuance of the preliminary hearing herein.

16 DATED: August 8, 2017.

17
18 /s/
19 PHILLIP N. SMITH, JR.
20 Assistant United States Attorney
21 Counsel for the United States

 /s/
TELIA U. WILLIAMS, ESQ.
Counsel for the Defendant

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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 UNITED STATES OF AMERICA,) **2:17-mj-710-GWF**
7)
8 Plaintiff,) **ORDER CONTINUING**
9 vs.) **PRELIMINARY HEARING**
10)
11 NICOLE ELIZABETH NOWAK,)
12 Defendant.)
_____)

13 **ORDER**

14 Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS**
15 **HEREBY ORDERED**, that the preliminary hearing in the above-captioned matter, currently
16 scheduled for August 9, 2017, at the hour of 4:00 p.m., be vacated and continued to
17 ____ September 8 ____, 2017 at the hour of _____ 4:00 p __.m.

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19 
20 _____
UNITED STATES MAGISTRATE JUDGE

21 Dated: August 9, 2017
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